

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Loma Vista PUD Major Amendment**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Alison Stettner**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Approve the request for a PUD Major Amendment to the Loma Vista PUD and Addendum #1 to the Loma Vista PUD Developer's Commitment Agreement, containing 56.86 acres, located west of the intersection of SR 426 and Via Loma Drive, and authorize the chairman to execute the aforementioned documents, based on staff findings (Mark Clayton, applicant); or
2. Deny the requested PUD Major Amendment to the Loma Vista PUD, containing 56.86 acres, located west of the intersection of SR 426 and Via Loma Drive, and authorize the Chairman to execute the Denial Development Order (Mark Clayton, applicant); or
3. Continue this item until a time and date certain.

District 1 Bob Dallari

Ian Sikonia

BACKGROUND:

The Loma Vista PUD (Planned Unit Development) was originally approved in 1999 as a multi-use Commercial, Industrial and Multi-Family development. A majority of the tracts in the PUD have been developed, except for Tract D due to the location of a wetland area. The applicant is requesting a major amendment to the PUD by proposing an additional access point for Tract D. The Seminole County Land Development Code Section 30.448 requires that any application "which affects the intent and character of the development, land use pattern, the location or dimensions of major streetsshall be reviewed and approved by the Board of County Commissioners".

The current access road located on Via Loma Drive is not suitable to access Tract D-1. There is an existing wetland located within Tract D-1 which does not make it feasible to allow access to the lot. Since the PUD is requesting cross access with a parcel not located within the PUD, the developer commissioned a letter from the adjoining property owner whom is in agreement with the proposed access point. A copy of the letter from the adjoining property owner in agreement is attached to this agenda item.

The proposed cross access point for Tract D-1 would allow for the developer to construct a building with more suitable access than what was originally approved for this tract. Staff feels that the proposed access is suitable for the development of the tract, it will decrease the footprint of the development, and not cause a hardship to the adjoining property owner or the surrounding neighborhood.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission voted 7 to 0 to recommend approval of the requested PUD Major Amendment to the Loma Vista PUD and Addendum #1 to the Loma Vista PUD Developer's Commitment Agreement, containing 56.86 acres, located west of the intersection of SR 426 and Via Loma Drive, based on staff's findings.

STAFF RECOMMENDATION:

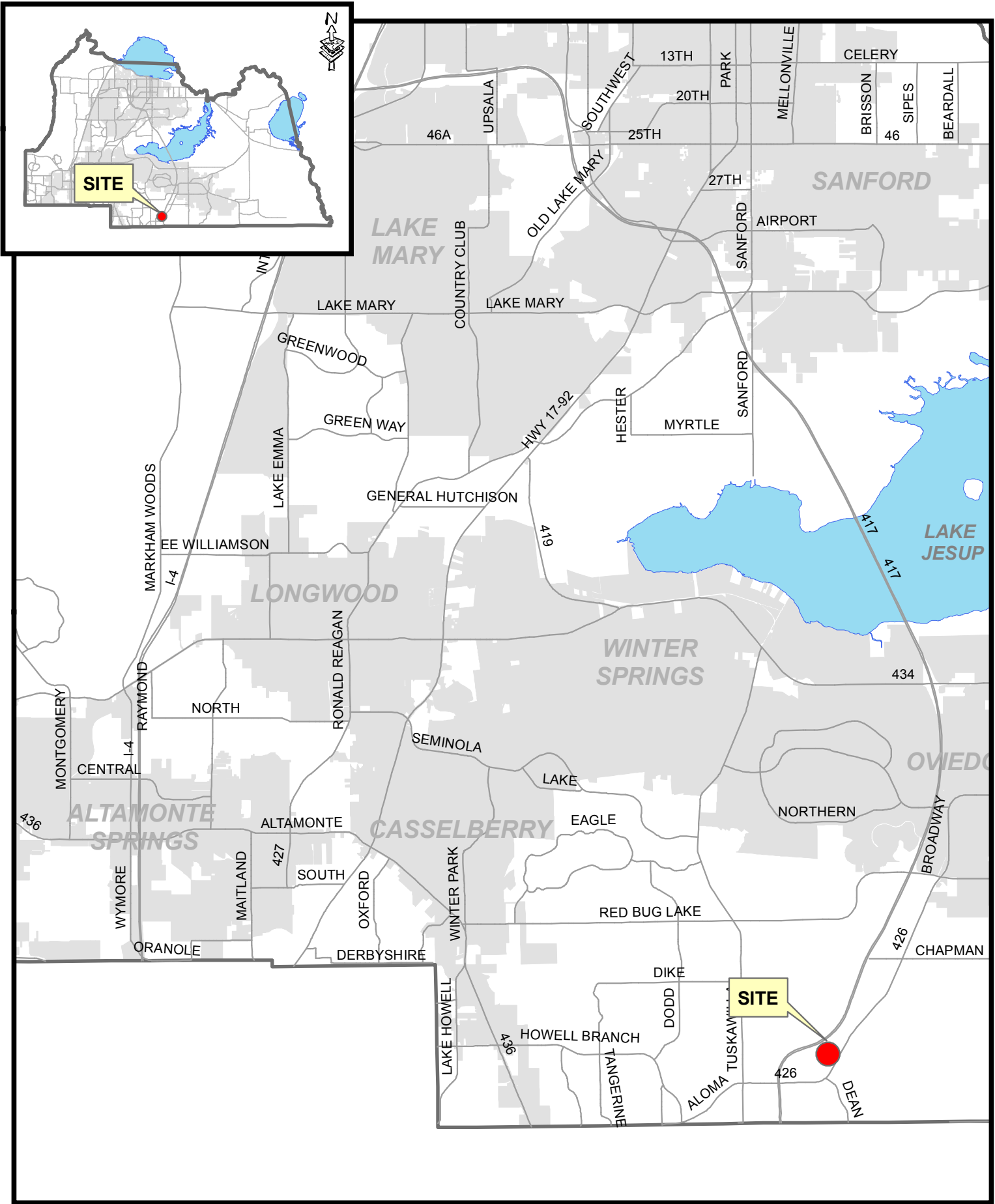
Staff recommends the Board approve the requested PUD Major Amendment to the Loma Vista PUD and Addendum #1 to the Loma Vista PUD Developer's Commitment Agreement, containing 56.86 acres, located west of the intersection of SR 426 and Via Loma Drive.

ATTACHMENTS:

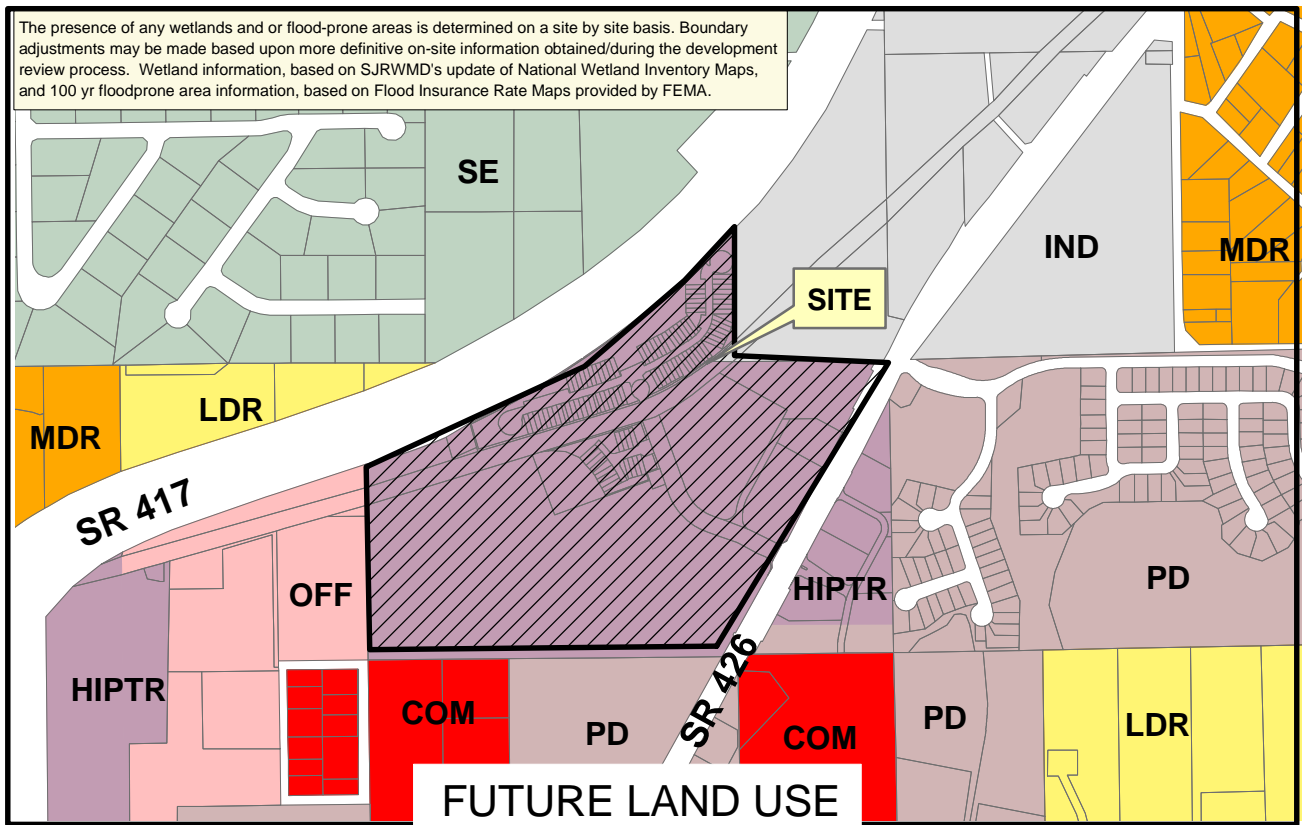
1. Location Map
2. Future Land Use and Zoning Map
3. Aerial Map
4. Final Master Plan
5. Addendum #1 to the Loma Vista PUD Developer's Commitment Agreement
6. Letter of Support
7. Original Loma Vista PUD Developers Commitment Agreement
8. Denial Development Order
9. Ownership Disclosure Form
10. Minutes

Additionally Reviewed By:

■ County Attorney Review (Kathleen Furey-Tran)



The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Applicant: Mark Clayton

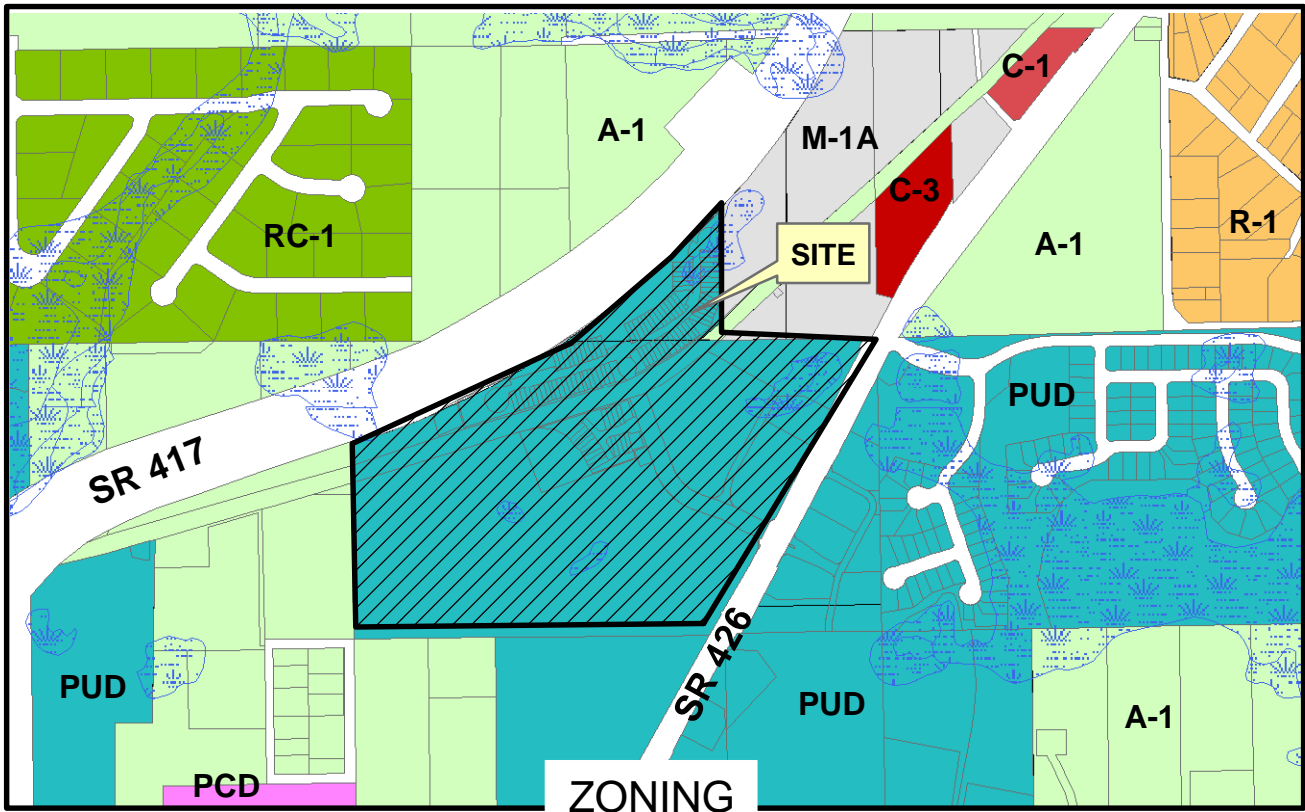
Physical STR: 03-20-31

Gross Acres: 56.86 +/- BCC District: 1

Existing Use:

Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2009-22	--	--





Rezone No: Z2009-022

- Parcel
- Subject Property



Winter 2009 Color Aerials

**Addendum #1 to the Loma Vista PUD
Developer's Commitment Agreement**

This Addendum is relative to and amends certain provisions of the Final Master Plan in that document entitled, "Loma Vista PUD Developer's Agreement" (hereinafter, the "Agreement") executed on October 28, 2003; and recorded in the Official Records of Seminole County, Florida, on November 10, 2003 at Book 05093, Pages 1750 to 1763.

This Addendum augments the Agreement (in its current form), and all terms and definitions of said Agreement are binding hereto. Where this Addendum otherwise may materially conflict with the Agreement, the terms and definitions of the Agreement shall prevail and be applied.

This addendum pertains solely to the Final Master Plan described in the Developers Commitment Agreement as described in the Legal Description attached as Exhibit A. This addendum provides for an additional access point which is shown on the north property line of Tract D as shown in Exhibit B.

DONE AND ORDERED ON
THIS 26th DAY OF JANUARY, 2010

By: _____

Bob Dallari, Chairman
Seminole County Board of Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, Loma Vista LLC, on behalf of itself and its agents, successors, assigns, or transferees of any nature whatsoever and consents to, agrees with, and covenants to perform and fully abide by the provisions, terms, conditions, and commitments set forth in this Addendum.

Loma Vista LLC

Witness

By: Mark Clayton

Witness

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____ 2010 by Mark Clayton of the Loma Vista LLC, who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

THE EAST $\frac{7}{8}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LYING WEST OF STATE ROAD NO. 426 AND SOUTHERLY OF THE EASTERN BELTWAY, LESS: THE FLORIDA RAILS TO TRAIL (FORMERLY THE CSX RAILROAD)

AND

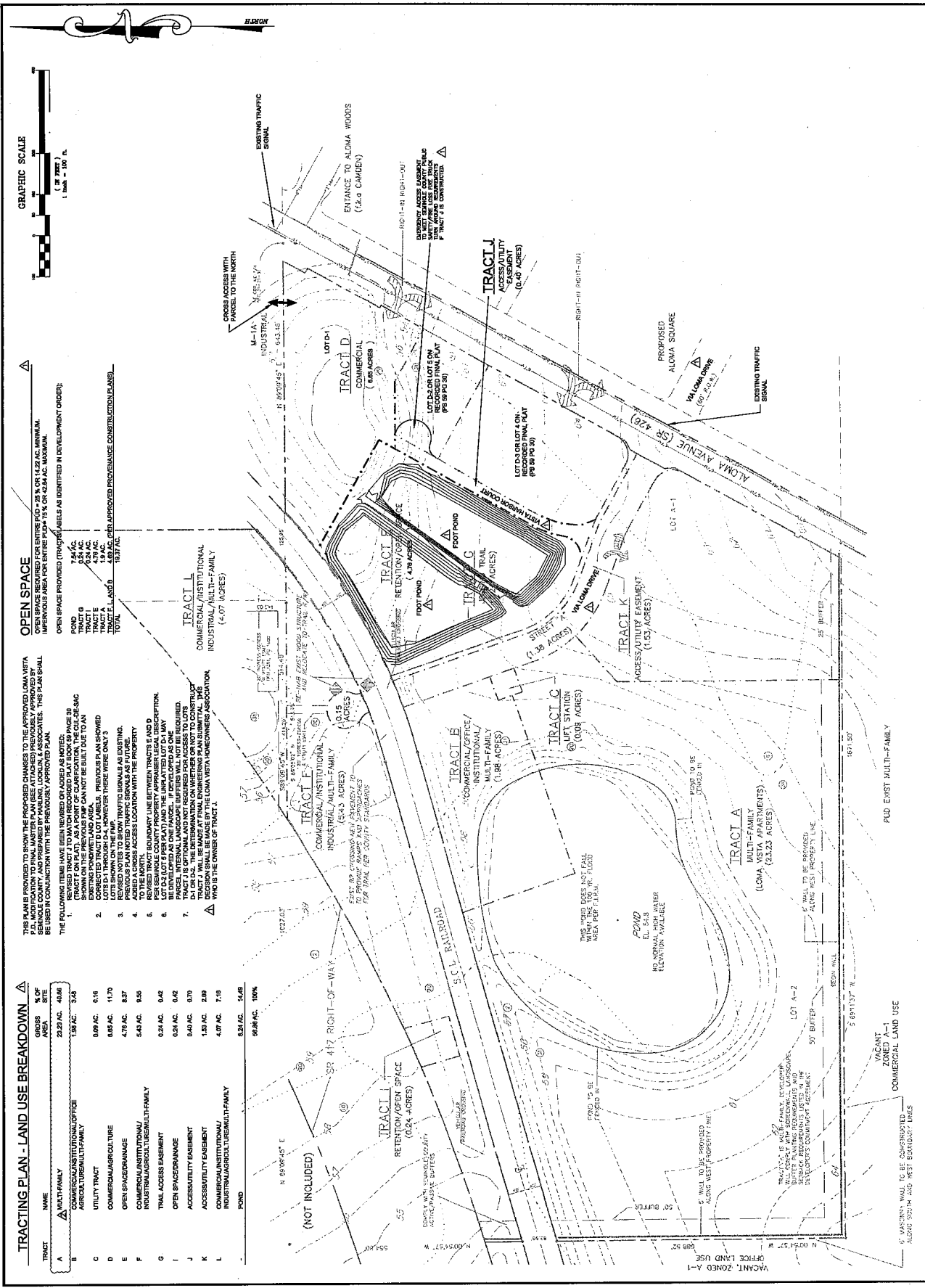
THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LYING SOUTHERLY OF THE EASTERN BELTWAY AND NORTHERLY OF THE FLORIDA RAILS TO TRAIL.

CONTAINING 56.86 ACRES, MORE OR LESS.

Exhibit B

Final Master Plan

(See Attached Pages)



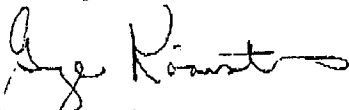
AK Joint Ventures

October 14, 2009

To Whom It May Concern:

Please let it be known that AK Business Park does support the driveway connection with Loma Vista and intends to enter into a shared use and access agreement with Loma Vista once final approval is received by Seminole County. If you should have any questions or concerns about this issue please don't hesitate to contact me at 407-365-6950 or email george@generalcaulking.com.

Sincerely,



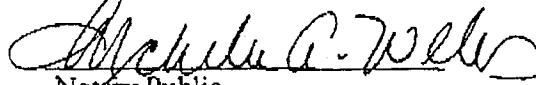
George Kanistras
Owner AK Business Park

Commonwealth of Florida

County of Seminole

On this, the 14th day of *October, 2009*, before me a notary public, the undersigned officer, personally appeared *George Kanistras*, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.


Notary Public

1 200001 100 1100 61 000000 0000 000 000 0000 00 0000 00 0000 00 0000 00 0000

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05093 PG 1750
CLERK'S # 2003201602
RECORDED 11/10/2003 11:53:36 AM
RECORDING FEES 64.50
RECORDED BY J Eckenroth

FINAL MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT

AMENDED OCTOBER 28, 2003

**COMMITMENTS, CLASSIFICATIONS, AND DISTRICT DESCRIPTION
APPROVED BY THE SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS**

RETURN TO SANDY MCCANN

AND

CONTAINING 56.86 ACRES MORE OR LESS.

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Eva Roach*
DEPUTY CLERK

Clayton Investments, Ftd.
Clayton Investments II, Ltd.
Seminole Co. Loma Vista Partners, Ltd.

A. Total Area:	56.86 Acres
B. Zoning:	Planned Unit Development
C. Density of Residential Tracts B, D, F, & L (as listed below):	20 dwelling units per acre or 480 dwelling units maximum

- D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.
- E. The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.
- F. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owners are as follows:

IV. TRACTING PLAN – LAND USE BREAKDOWN

Tract	Name	Max. # of Dwelling Units	Gross Area	% of Site
A	Multi-Family	382	23.33	41.03%
B	Commercial/Institutional/ Multi-Family	29	2.08	3.66%
C	Lift Station		0.09	0.16%
D	Commercial		5.10	8.97%
E	Retention/Open Space		5.92	10.41%
F	Commercial/Industrial/Multi-Family	95	5.53	9.73%
G	Jogging Trail		0.34	0.60%
I	Open Space/Drainage		0.34	0.60%
J	Access/Utility Easement		0.79	1.39%
K	Access/Utility Easement		1.63	2.87%
L	Commercial/Industrial Pond	69	4.17 7.54	7.33% 13.25%
TOTAL			56.86	100%

V. OPEN SPACE CALCULATIONS

Open space shall be provided at an overall rate of 25%, or a minimum of 14.12 acres throughout the entire PUD. A lake will serve as the major open space element for the PUD, designed to serve both this project and the Seminole County Trail. Remaining open space (as listed below) is achieved through active recreation, passive recreation and other green

space in the PUD, subject to approval by the Planning Manager during final site plan approval.

Total Land Area: 56.86 acres, less 0.4 acres SR 426 R/W = 56.46 gross acreage

Required Open Space: 25% = 56.46 acres x 0.25 = 14.12 acres open space

The Open Space/Lake Tract "E" shall be encumbered as a permanent easement. Maintenance of the Open Space/Lake Tract shall be funded equitably by all property owners within the PUD. Other Open Space within each tract shall be owned and maintained by the individual property owners.

Open Space Provided:

Pond – Shoreline landscaped w/5' trees @ 75' on center, lake perimeter with jogging path, four (4) benches along jogging path and access easement from the Seminole County Trail to the lakeshore and lake jogging path..... 7.54 acres

Tract "G" – Trail connector, paved from the Seminole County Trail to SR 426 to provide neighborhood access to the Trail..... 0.34 acres

Tract "I" – Shoreline landscaped w/5' trees @ 75' on center & one (1) bench for a Trail rest stop 0.34 acres

Tract "E" - Shoreline landscaped w/5' trees @ 75' on center & one (1) bench for a Trail rest stop 5.92 acres

Tract "A" – Active/Passive Recreation facilities required for multi-family uses within this Tract include: one (1) swimming pool, one (1) clubhouse, (1) tot lot, one (1) swing set, one (1) slide, one (1) grassed sports field, one (1) basketball goal and a landscaped berm along SR 426 1.9 acres

Tract "F" – Active/Passive Recreation facilities required for multi-family uses within this Tract include: a fire break buffer yard, two (2) grassed sports fields, one (1) swing set, one (1) slide and one (1) basketball goal 1.4 acres

Tract "L" – Active/Passive Recreation facilities required for multi-family uses within this Tract include: a fire break buffer yard, two (2) grassed sports fields, one (1) swing set, one (1) slide and one (1) basketball goal 1.0 acres

VI. BUILDING SETBACKS

COMMERCIAL USE:

Front	25'
Side External (PUD North & West perimeter)	5'
Side Internal (PUD internal lot line).....	0'
Rear.....	10'
Adjacent to A-1 zoned property at the Western perimeter of the PUD	75'
Adjacent to Aloma Bend MFR on South	per Sec 30.1232 LDC
Adjacent to internal MFR (PUD internal lot line)	25'
Maximum Building Height	35'

INDUSTRIAL USE:

Front	35'
Side External (PUD North & West perimeter)	20'
Side Internal (PUD internal lot line).....	5'
Adjacent to Aloma Bend MFR on south	per Sec 30.1232 LDC
Rear.....	20'
Maximum Building Height	35'

INSTITUTIONAL USE:

Front	25'
Side.....	10'
Rear.....	20'
Adjacent to A-1 zoned property at the Western perimeter of the PUD	75'
Adjacent to Aloma Bend MFR on south	per Sec 30.1232 LDC
Maximum Building Height	35'

MULTI-FAMILY USE:

Front	25'
Side.....	10'
Rear.....	20'
Adjacent to A-1 zoned property at the Western perimeter of the PUD	75'
Adjacent to Aloma Bend MFR on south	20'
Maximum Building Height	35'

VII. PERMITTED USES

COMMERCIAL TRACTS (B, D, F, & L):

All permitted and conditional uses allowed in C-1 zoning classification, plus hotels, motels, minor auto/truck repair, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, auto/truck/trailer rental, schools and colleges.

INDUSTRIAL TRACTS (B, F, & L):

All permitted and conditional uses allowed in the C-3 and M-1A zoning classifications.

INSTITUTIONAL TRACTS (B, F, & L):

Schools and colleges, nursing homes, adult congregate living facilities, assisted living facilities, fraternities/sororities, day care centers and churches.

MULTI-FAMILY TRACTS (A, B, F, & L):

All permitted and conditional uses within the R-4 zoning classification.

VIII. MULTIPLE LAND USE RESTRICTIONS

1. If any portion of Tract "B", "F" or "L" is used for commercial uses, then the remainder of such Tract may only be used for commercial uses.
2. If any portion of Tract "B", "F" or "L" is used for multi-family or industrial purposes, then the remainder of such Tract may only be used for multi-family or institutional purposes.

IX. LANDSCAPE & BUFFER CRITERIA

1. Landscape Buffers shall comply with the following:

COMMERCIAL USES:

Front 5' min., 10' avg.
SR 426..... 5' min., 10' avg.
Side 5'
Rear..... 5'
Adjacent to A-1 zoned property at perimeter of
the PUD:

per Sec 30.1232 LDC

- Adjacent to Aloma Bend
MFR on South per Sec 30.1232 LDC
Adjacent to internal MFR 10' with 6' masonry wall

INDUSTRIAL USES: Front 5' mid., 10' avg.
SR 426 5' min., 10' avg.
Side 10'
Rear 10'

INSTITUTIONAL USES: Front 5' mid., 10' avg.
SR 426 5' min., 10' avg.
Side 10'
Rear 10'
Adjacent to A-1 zoned property
at perimeter of the PUD.. per Sec 30.1232 LDC
Adjacent to Aloma Bend
MFR on South..... per Sec 30.1232 LDC

MULTI-FAMILY USES: -Front 5' min., 10' avg.
-SR 426 5' min., 10' avg.
-Side 5'
-Rear 5'
-Adjacent to A-1 zoned property at the
perimeter of the PUD: 8' masonry wall, wall to
be located on existing footers on the western
property line
-Adjacent to Aloma Bend
MFR on South 5', two (2) rows of trees at
25' on center, 30" high hedge at
36" on center, no screenwall is required

2. Any outside storage or mechanical repair facilities shall be screened from view from adjacent properties and rights of ways.
3. Landscape materials type and size shall conform to Seminole County Land Development Code specifications.

X. DEVELOPMENT COMMITMENT

The following conditions shall be met by the owners prior to certificate of occupancy being issued:

1. The Owners shall dedicate by warranty deed right-of-way to provide a 50' one-half right-of-way along SR 426.
2. Internal roadway section of Street "A" shall be at least fifty feet (50') wide with a curb and gutter section.
3. The Owners shall fund a pro-rata share of cost of design, permit & construction for signalization at SR 426 and Street "A", when warranted, as determined by the County Engineer.
4. Design of the intersection at SR 426 and Street "A" shall comply with Seminole County Transportation Standards. Right-of-way needed for the improvement shall be dedicated by the Owners.
5. Parking spaces in industrial or commercial Tracts shall be a minimum of ten feet (10') wide by eighteen feet (18') deep, provided an overhang of two feet (2') is added to the abutting sidewalk or buffer. Parking spaces in multi-family and institutional Tracts shall be a minimum of nine feet (9') wide by eighteen feet (18') deep, provided an overhang of two feet (2') is added to the abutting sidewalk or buffer.
6. A sidewalk of five feet (5') in width shall be constructed along SR 426 adjacent to the site to be constructed prior to issuance of Final Certificate of Occupancy within the PUD.
7. A sidewalk four feet (4') in width shall be constructed along the South side of internal Street "A" to provide internal pedestrian access between multi-family and non-residential Tracts.
8. A concrete or asphalt Trail connector six feet (6') in width shall be provided along the North side of internal Street "A" (via Loma Place) and provide external pedestrian access between SR 426 and the Cross Seminole Trail (CST).
9. The Owners of Tract A shall grant an easement to Seminole County between the CST and Tract "G" to allow mutually acceptable recreational trail amenities consistent, however, with the plans for the CST as determined by the Planning Manager.
10. The crossing of Street "A" (via Loma Place) at the Seminole County Trail shall comply with trail crossing standards. Final details to be determined by the County Engineer at time of roadway construction plan review and approval.
11. Covered picnic area shall include components or replicas of historic structure and brass plaque providing historical information and shall be placed within the Seminole County Trail right-of-way prior to completion of the trail.

12. Owners of Tract A shall dedicate a sixty foot (60') wide access easement over Tract "G" from the old CSX right-of-way (the CST) to the lake.
13. The Owners of Tract A shall dedicate a twenty (20') wide access easement over Tract "J" adjacent to the CST.
14. The developers of the Loma Vista Apartments shall pay a total of \$159,677.50, in lieu of the following conditions:
 - a. Developer shall install two (2) benches at the lake shore. Installation shall occur prior to completion of the Seminole County Trail.
 - b. Owners shall furnish two (2) air pumps, three (3) bike racks, and two (2) picnic tables adjacent to the covered picnic area. Installation shall occur prior to completion of the Seminole County Trail.
 - c. Developer shall install two (2) benches at the lake shore. Installation shall occur upon completion of the Cross Seminole Trail crossing by Street "A" or completion of the Trail, whichever occurs first.
 - d. The Owners shall install one (1) bench for Seminole County trail users. Installation shall occur upon completion of the Seminole County Trail.
 - e. The Owners shall provide water and sewer stub-outs at the intersection of CST and Street "A" at time of construction of the Seminole County Trail crossing by Street "A".
 - f. A drinking fountain and water service for irrigation along the CST.
15. The Owners shall reserve a fifty (50') foot one-half ($\frac{1}{2}$) right-of-way along SR 426 adjacent to Tract A and A-1 as shown on the approved Master Plan. (Completed)
16. Internal roadway section of Street "A" shall be at least fifty feet (50') wide with a curb and gutter section.
17. The Owners of Tract A shall provide an easement to Seminole County between Seminole County Trail and Tract "G" Lot "5B" to allow mutually acceptable recreational Trail amenities consistent, however, with the plans for the Seminole County Trail as determined by the Comprehensive Planning Manager.
18. The crossing of Street "A" (via Loma Place) at the Seminole County Trail shall comply with County Trail Crossing Standards. Final details to be determined by the County Engineer at time of roadway construction plan review and approval.
19. Owners of Tract A shall dedicate a twenty foot (20') wide access easement over Tract "A" adjacent to the CST and install one (1) bench for Seminole County Trail users. Installation shall occur upon completion of the Seminole County Trail.

20. Owners of Tract A shall provide a potable water service and drinking water fountain at the covered picnic area. Installation shall occur prior to the completion of the Seminole County Trail.
21. Owners of Tract A shall provide a Landscape Buffer adjacent to CSX right-of-way. Installation shall occur upon completion of the Seminole County Trail.
22. Owners shall provide water and sewer stub-outs at the intersection of CST and Street "A" at time of construction of the Seminole County Trail crossing by Street "A" (Via Loma Place).

XI. PUBLIC FACILITIES

The Owners have submitted the property for a concurrency review. Among conditions relating to concurrency public facilities are the following:

WATER:

Water service will be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer will be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

STORM DRAINAGE:

Stormwater drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District's stormwater regulations.

FIRE PROTECTION:

The Owners of Tract A shall install a fire hydrant at the Southwest corner of the site, accessible to the adjacent properties. Fire protection will be provided by Seminole County. Fire flow will be a minimum of 1,250 G.P.M. with 20 P.S.I. Fire hydrant shall be located according to Seminole County regulations.

XII. STANDARD PROVISIONS

1. All development shall fully comply with all of the codes and ordinances in effect in Seminole County (unless stated otherwise herein) at the time of issuance of permits including all impact fee ordinances.
2. This development order touches and concerns the aforescribed property and the conditions, commitments and provisions of the development order shall perpetually burden, run with and follow the

said property and ~~be~~ servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.

3. The terms and provisions of the development order are not severable and in the event any portion of this development order shall be found to be invalid or illegal then the entire development order shall be null and void.

DONE AND ORDERED ON THE 14th OF OCTOBER, 2003.


BY: _____

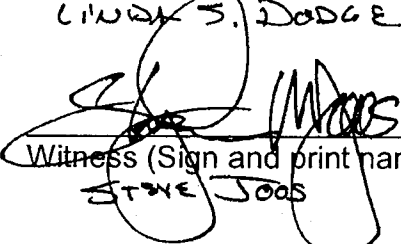
Daryl G. McLain
Chairman of Seminole County
Board of County Commissioners

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Clayton Investments, II, Ltd. by, W. Malcolm Clayton, Managing Member on behalf of its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:


Witness (Sign and print name)
LINDA S. DODGE


Witness (Sign and print name)
STEVE JOOS

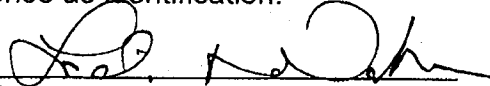
OWNER:


Clayton Investments II, Ltd.
By WMC Management LLC
General Partner, W. Malcolm Clayton, Managing Member

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this 29th day of October, 2003, by W. Malcolm Clayton the managing member of WMC Management LLC., who is personally known to me or who have produced their Florida Driver's License as identification.

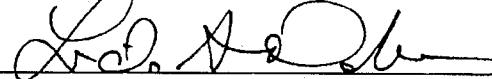

Notary Public
Print Name:
My Commission expires:

LINDA S. DODGE
NOTARY PUBLIC-STATE OF FLORIDA
COMMISSION #00111385
EXPIRES 5/17/2006
BONDED THROUGH 1-888-NOTARY1

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Clayton Investments, Ltd. by W. Malcolm Clayton, Managing Director on behalf of its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

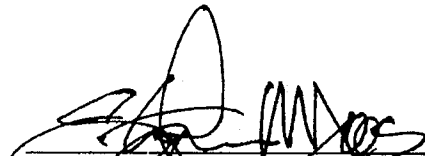


Witness (Sign and print name)
LINDA S. DODGE

OWNER:



Clayton Investments, Ltd. by:
WMC Management, LLC,
General Partner W. Malcolm
Clayton, Managing Member



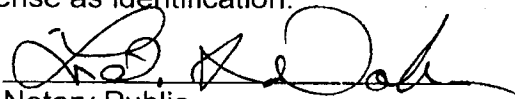
Witness (Sign and print name)
STEVEN SCOTT

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this 29th
day of OCTOBER, 2003, by W. Malcolm Clayton the
Managing Member of WMC Management, LLC, who is personally known to me
or who have produced their Florida Driver's License as identification.

LINDA S. DODGE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION #00111385
EXPIRES 5/17/2006
BONDED THROUGH 1-888-NOTARY1

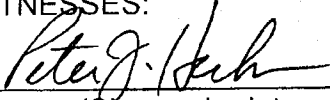


Notary Public
Print Name:
My Commission expires:

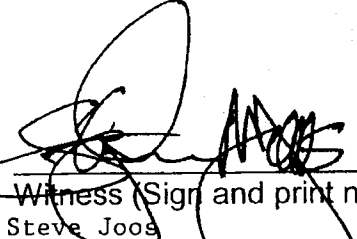
OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Seminole Co. Loma Vista Partners, Ltd. on behalf of its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:




Witness (Sign and print name)
Peter J. Heckman



Witness (Sign and print name)
Steve Joos

OWNER:




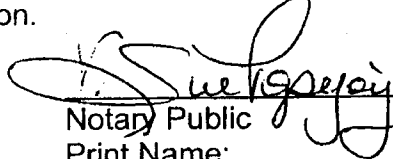
Seminole County Loma Vista Partners, Ltd.
By: CED Capital Holdings XIII Ltd.,
General Partner
By: CED Capital Holdings XIII Inc.,
General Partner
By: Alan Ginsburg, President

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this 29th day of Oct. 2003, 2003, by Alan Ginsburg, President of CED Capital Holdings XIII, Inc., who is personally known to me or who have produced their Florida Driver's License as identification.

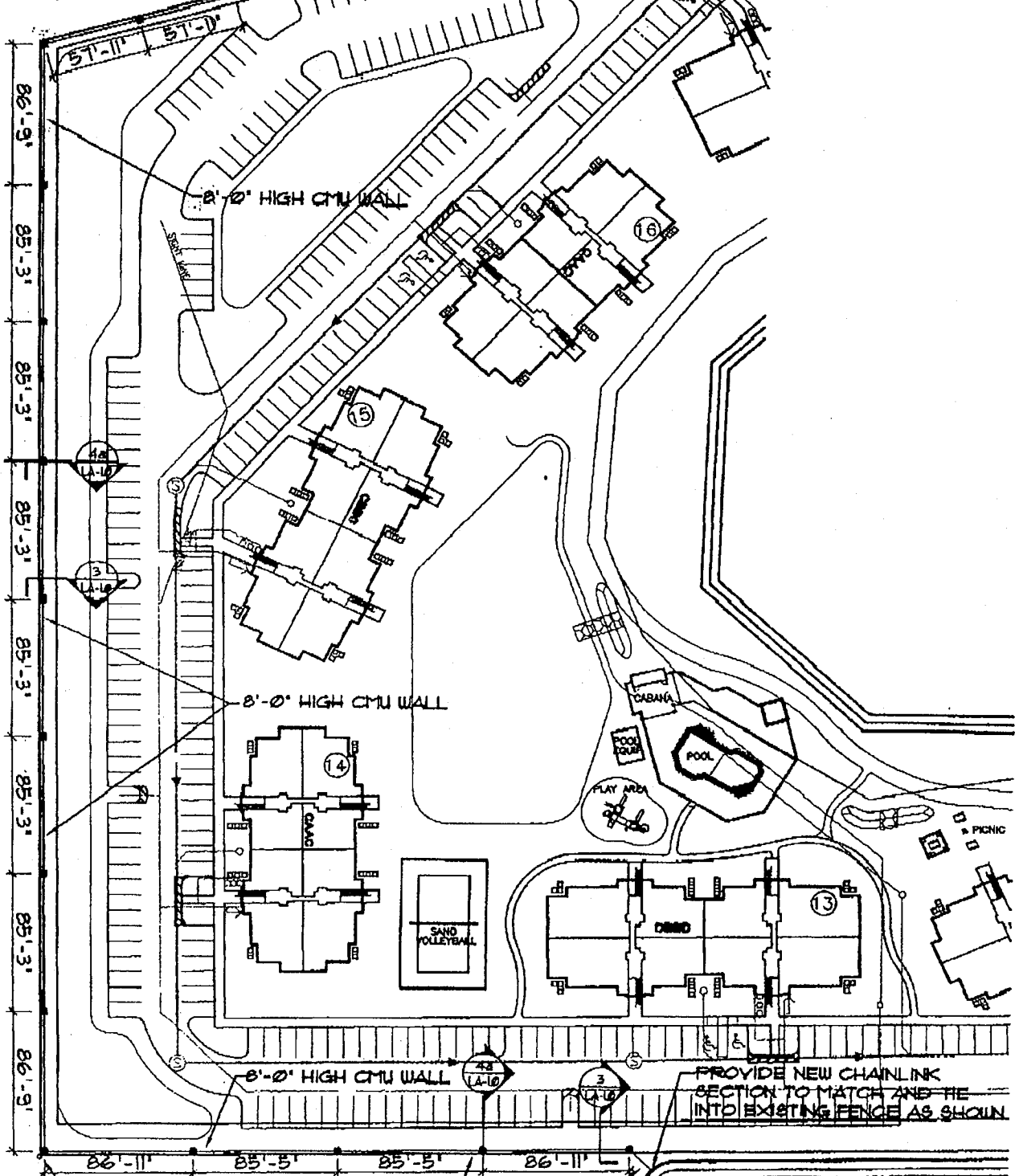
 Vicky Sue Popejoy
My Commission D0007999
Expires March 19, 2006



Notary Public
Print Name:
My Commission expires:

BEGIN PERIMETER WALL & PILASTERS

NOTE: ALL PILASTER FOOTINGS TO BE CONSTRUCTED ENTIRELY WITHIN PROPERTY LINES (TYP)



NOTE: ALL PILASTER FOOTINGS TO BE CONSTRUCTED ENTIRELY WITHIN PROPERTY LINES (TYP)

PROPOSED CHAIN LINK FENCE LOCATION PENDING FDOT APPROVAL

PROVIDE NEW CHAINLINK SECTION TO MATCH AND TIE INTO EXISTING FENCE AS SHOWN

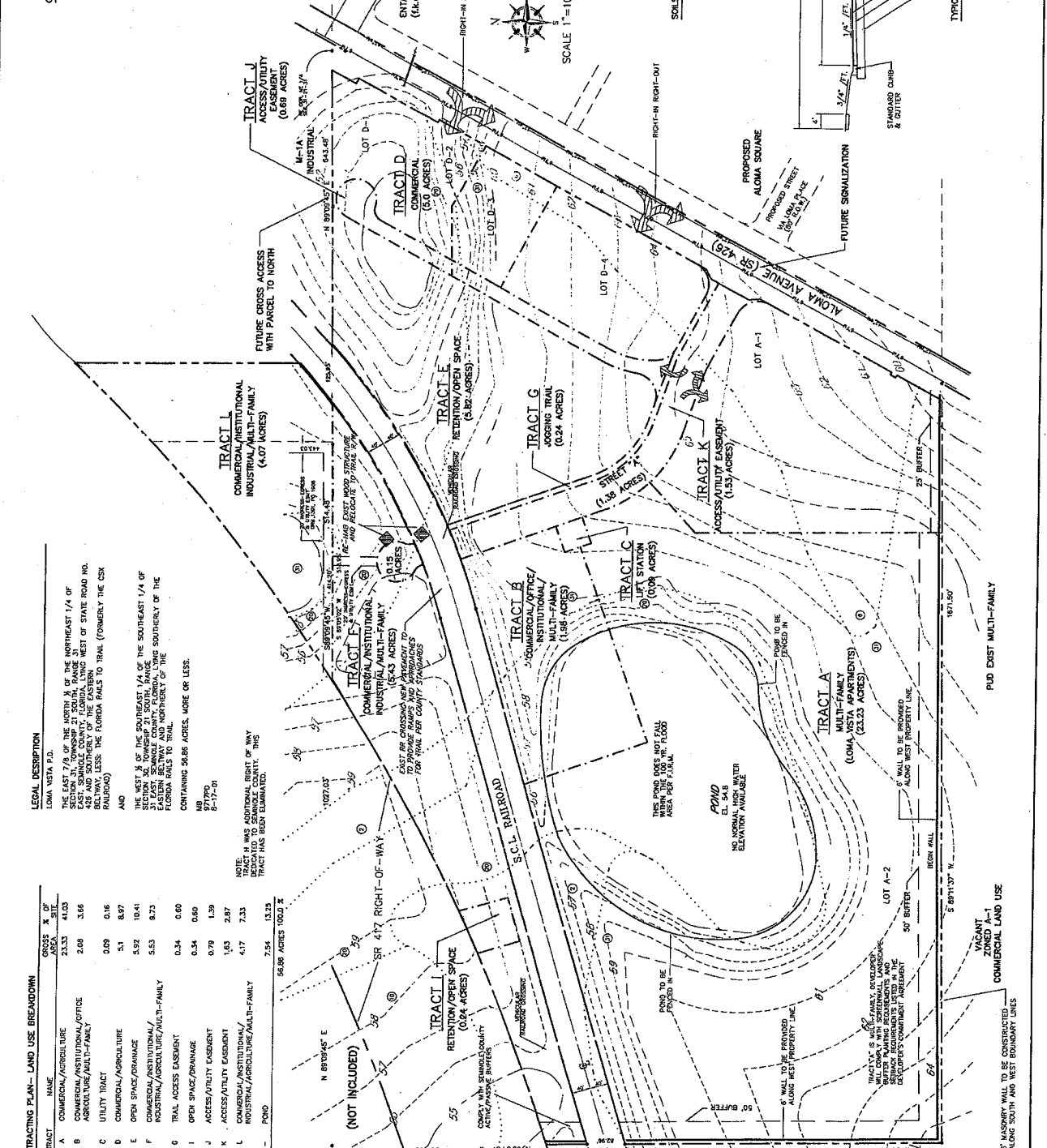
RETENTION POND

APPROXIMATE LOCATION OF EXISTING CHAIN LINK FENCE

HARTLING LOCKLIN & ASSOCIATES, INC.
680 Courtland Street, Orlando, Florida 32804
Consulting Engineers - Planners - Surveyors
Phone: 407-629-1001
Fax: 407-629-2855
E-mail: hartling@worldnet.att.net

Employee	Joseph W. Hastings, Jr. P.E. Reg. No. 11629	Drawn by: kdl
Job Number:	9717	Designed by: hwb
Scale:	1"=100'	File number: 9717sbp
Date:	July 20, 2001	sheet: 9717b

1. EXISTING VEGETATION CONSISTS OF OAKS AND SCRUB VEGETATION.
2. NO MAJOR EARTH MOVING ALTERATIONS ARE PROPOSED WITH THIS PLAN.
3. FIRE PROTECTION PROVIDED ON SITE SHALL COMPLY WITH THE SEMINOLE COUNTY ADOPTED FIRE PROTECTION STANDARD.



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 26, 2010, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

Property Owner(s): Loma Vista, LLC
5405 Diplomat Circle, Suite 100
Orlando, FL 32810

Project Name: Loma Vista PUD

Requested Development Approval: Request for a PUD Major Amendment to the Loma Vista PUD and Addendum #1 to the Loma Vista PUD Developer's Commitment Agreement, containing 56.86 acres, located west of the intersection of SR 426 and Via Loma Drive.

The Board of County Commissioners has determined that the request for a PUD Major Amendment to the Loma Vista PUD is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Loma Vista PUD Major Amendment" and all evidence submitted at the public hearing on January 26, 2010, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested PUD Major Amendment should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bob Dallari, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

THE EAST $\frac{7}{8}$ OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LYING WEST OF STATE ROAD NO. 426 AND SOUTHERLY OF THE EASTERN BELTWAY, LESS: THE FLORIDA RAILS TO TRAIL (FORMERLY THE CSX RAILROAD)

AND

THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LYING SOUTHERLY OF THE EASTERN BELTWAY AND NORTHERLY OF THE FLORIDA RAILS TO TRAIL.

CONTAINING 56.86 ACRES, MORE OR LESS.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- ☐ Individual ☐ Corporation ☐ Land Trust
☒ Limited Liability Company ☐ Partnership
☐ Other (describe): _____

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each corporation, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
CLAYTON, MARK A		CLAYTON INVESTMENTS, LTD.	
5405 DIPLOMAT CIRCLE, STE 100		5405 DIPLOMAT CIR SUITE 100	
ORLANDO FL 32810		ORLANDO FL 32810	
CLAYTON, KENNETH M		CLAYTON, CRAIG H	
1065 MAITLAND CENTER COMMONS BLVD.		5405 DIPLOMAT CIRCLE, STE 100	
MAITLAND FL 32751		ORLANDO FL 32810	

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST
Loma Vista LLC	5405 Diplomat Cir, Ste. 100	100
	Orlando, FL 32810	

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

Date 8/21/09

X _____
Owner, Agent, Applicant Signature
Mark A. Clayton

STATE OF FLORIDA
COUNTY OF Orange

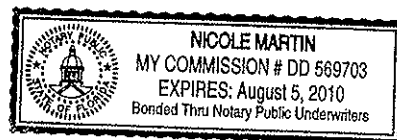
Sworn to (or affirmed) and subscribed before me this 21st day of Aug, 2009 by Mark A. Clayton

Nicole Martin
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known ☒ OR Produced Identification _____

Type of Identification Produced _____



For Use by Planning & Development Staff

Date: _____ Application Number: _____

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JANUARY 6, 2010**

Members present: Walt Eismann, Melanie Chase, Kimberly Day, Rob Wolf, Matt Brown, Michael Bowdoin and Dudley Bates.

Members absent: None

Staff present: Alison Stettner, Planning and Development Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Lee Shafer, Principal Engineer, Development Review Division; Dick Boyer, Senior Planner, Planning Division; Jeffrey Hopper, Senior Planner, Planning Division; Ian Sikonia, Senior Planner, Planning Division; Joy Williams, Planner, Planning Division; Brian Walker, Senior Planner, Development Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

Public Hearing Items:

C. Loma Vista PUD Major Amendment; Mark Clayton, applicant; 56.86 acres; Request for a PUD Major Amendment to the Loma Vista PUD and Addendum #1 to the Loma Vista PUD Developer's Commitment Agreement, containing 56.86 acres, located west of the intersection of SR 426 and Via Loma Drive. (Z2009-22)

District 1 - Dallari
Ian Sikonia, Senior Planner

Ian Sikonia, Senior Planner - presented this item and stated that the Loma Vista PUD was originally approved in 1999 as a multi-use Commercial, Industrial and Multi-Family development. A majority of the tracts in the PUD have been developed, except for Tract D due to the location of a wetland. The Applicant is requesting a major amendment to the PUD by proposing an additional access point for Tract D.

The current access road is located on Via Loma Drive and is not suitable to access Tract D. There is an existing wetland located within Tract D which does not make it feasible to access that lot. Since the PUD is requesting cross access with a parcel not located within the PUD, the developer commissioned a letter from the adjoining property owner whom is in agreement with the access point. A copy of the letter from the adjoining property owner in agreement has been attached to the agenda report.

The proposed cross access point for Tract D would allow for the developer to construct a building with more suitable access than what was originally approved for in this tract. Staff feels that the proposed access is suitable for the development of the tract and

would not cause a hardship to the adjoining property owner or the surrounding neighborhood.

Staff has received no letters of support or opposition to the proposed PUD Major Amendment and recommends approval of this request.

The Applicant was available for questions but did not wish to speak at this time.

No one spoke in favor or opposition to this request from the audience.

Commissioner Wolf made a motion to approve this request.

Commissioner Brown seconded the motion.

The motion passed unanimously 7 – 0.